

REMARKS/ARGUMENTS

The Examiner rejected claims 1-45 as obvious (35 U.S.C. §103) over Johnson (U.S. Patent No. 6,047,274) in view of Calabria ("Lotus Notes 4.5 and the Internet"). Applicants traverse for the following reasons.

Claims 1, 18, and 32 concern implementing an auction, and require: maintaining scheduled event records for a user within a computer database, wherein each scheduled event record indicates a scheduled event for the user at a calendar time slot; receiving a request for bids for a service from the user indicating a time period, wherein the service is to be performed during a calendar time slot within the indicated time period; determining scheduled event records for the user within the indicated time period; generating a template to display a calendar for the indicated time period showing time slots, wherein an available time slot comprises a time range in the indicated time period that does not include one scheduled event as indicated in the scheduled event records; and receiving at least one bid for the service for one available time slot in which the service is to be performed, wherein the bid indicates an amount.

The Examiner cited FIG. 4, items 27 and 29 and col. 15, lines 2-3 of Johnson and pages 137-142 of Calabria with respect to these claims. (Office Action, pg. 2)

Applicants submit that nowhere do the cited Johnson and Calabria teach or suggest the combination of requirements of a template to display a calendar for an indicated time period for which the user is requesting bids for a service showing time slots. An available time slot for which bids are submitted comprises a time range in the indicated period that does not include one scheduled event record for the user.

The cited FIG. 4, items 27 and 29 mention formulating bids and receiving bids from each provider. Upon receiving bids, a moderator processes bids to determine which bids apply to which end users, prioritizes the bids, a generates provider selection data. (Johnson, col. 21, 61 to col. 2, line 7) The cited col. 15 mentions energy providers submitting bids to supply a fixed quantity of power or gas to an end user group for a time period.

Although the cited Johnson discusses energy providers bidding to provide energy services to end users, nowhere is there any teaching or suggestion in the cited Johnson of displaying a calendar for a time period showing time slots, where an available time slot for which a bid may be submitted comprises a time range that does not include one scheduled event record for the user at a calendar time. Nowhere does the cited Johnson anywhere teach that the

available time slots for which bids may be received are based on calendar scheduled event records for the user requesting bids for a service. Instead, the cited Johnson discusses how energy providers may bid to provide energy to users.

The cited Calabria discusses making calendar entries to create an appointment or and an invitation to invite other users to attend a meeting.

The cited Calabria discusses general electronic calendar operations and nowhere discusses how to use a calendar to determine available time slots for which bids may be received for a service. Further, nowhere does the cited Calabria anywhere teach or suggest how calendar scheduled events for a user are used to determine available time slots for which bids for a service may be received.

Applicants submit that the Examiner has not cited any art that teaches using scheduled event records from a user calendar to determine available time slots for which bids may be received for a service requested by the user.

According to the Manual of Patent Examination and Procedure ("MPEP"), the "mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." (MPEP Sec. 2143.01, p. 137, Aug. 2005, Rev. 3).

Here, the Examiner has not cited any art that teaches or suggests the proposed modification, that the scheduled event records for a user calendar are used to determine available time slots for which bids for a service to provide to the user may be received.

Accordingly, claims 1, 18, and 32 are patentable over the cited art because the cited Johnson and Calabria do not teach or suggest the claimed combination.

Claims 2-14, 19-31, and 33-45 are patentable over the cited art because they depend from one of claims 1, 18, and 32. Moreover, the following discussed dependent claims provide additional grounds of patentability over the cited art.

Claims 9, 26, and 40 depend from claims 1, 18, and 32 and further require that the user is a service provider requesting that clients bid for the user to provide the service during available time slots, and further require that in response to an expiration of the bidding period, determining one bid in each available time slot having a highest bid amount if there is at least one bid submitted for the time slot and accepting each bid having the highest bid amount in each available time slot.

The Examiner cited Johnson and Official notice as teaching accepting a highest bid. (Office Action, pg. 4). However, the Examiner has not cited any art as teaching the claim requirement that the user requesting bids for available time slots is a service provider requesting that clients bid for the user to provide the service during available time slots based on the user's scheduled event records in a database.

Accordingly, claims 9, 26, and 40 provide additional grounds of patentability over the cited art because the cited combination does not teach or suggest the additional requirements of these claims.

Claims 10, 27, and 41 depend from claims 1, 18, and 32 and further require that the user scheduled event records are used by a personal information manager (PIM) to provide calendaring information to the user independent of the use of the scheduled event records to generate the template indicating available time slots during for which bids may be submitted.

The Examiner cited the PIM on pg. 139 of Calabria as teaching the additional requirements of these claims. (Office Action, pg. 4) Applicants traverse.

The cited Calabria discusses creating a calendar entry and inviting others to meetings. Nowhere does the cited Calabria teach or suggest the that scheduled event records (or calendar entries) are used by a PIM to provide calendaring information independent of the use of these records to generate a template of available time slots for which bids are submitted. The Examiner has not cited any part of Calabria or other references that teach or suggest that the calendar or scheduled event records have a dual use, provide calendaring information as well as being used to determine available time slots for which bids may be submitted to provide a service to the user.

Accordingly, claims 10, 27, and 41 provide additional grounds of patentability over the cited art because the cited combination does not teach or suggest the additional requirements of these claims.

Claims 11, 28, and 42 depend from claims 1, 18, and 32 and further require displaying a calendar indicating the scheduled event records within the time period indicated in the request for bids, wherein the calendar is capable of enabling the user to modify scheduled event records and add scheduled event records to further limit the available time slots for which bids can be submitted.

The Examiner cited pg. 139 of Calabria as teaching the additional requirements of these claims. (Office Action, pg. 4) Applicants traverse.

Although the cited Calabria discusses how one may modify calendar entries in an electronic calendar, nowhere does the cited Calabria anywhere teach or suggest that modifying and adding scheduled event records limits available time slots for which bids can be submitted to provide a service to the user. Again, the Examiner has not cited any art that teaches or suggests how calendar or event records in a calendar database effect available time slots for which bids to provide a service may be submitted.

Accordingly, claims 11, 28, and 42 provide additional grounds of patentability over the cited art because the cited combination does not teach or suggest the additional requirements of these claims.

Claims 13, 30, and 44 depend from claims 12, 29, and 43 and further require that each scheduled event record further provides a description of the scheduled event, wherein the template displaying the time slots indicated in the determined scheduled event records as unavailable does not display the description of the scheduled event.

The Examiner cited pg. 138, FIG. 22.1 and the "brief description" of Calabria as teaching the additional requirements of these claims. (Office Action, pg. 4) Applicants traverse.

The cited pg. 138 shows how a user may create a calendar entry and an invitation to a meeting.

Although the cited Calabria discusses how a description of a calendar event may be provided, nowhere does the cited Calabria anywhere teach or suggest that the template displaying certain time slots as unavailable for bidding does not display a description of the scheduled event for that unavailable time slot. Thus, the claims require that even though there is a scheduled event for an unavailable time slot for bidding to provide a service, the description for that scheduled event record is not displayed.

Accordingly, claims 13, 30, and 44 provide additional grounds of patentability over the cited art because the cited combination does not teach or suggest the additional requirements of these claims.

The Examiner rejected independent claim 15, directed to a personal information manager, for the reasons discussed above with respect to claim 1. (Office Action, pg. 5) Applicants traverse for the reasons discussed with respect to claim 1 because claim 15 requires that bids for

a service are to be performed at available time slots that are void of a scheduled event for the user.

Claims 16-18 are patentable over the cited art because they depend from claim 15, which is patentable over the cited art for the reasons discussed above.

Conclusion

For all the above reasons, Applicant submits that the pending claims 1-45 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0447.

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

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